

van Lengerich - Serial No. 09/233,443  
AMENDMENT AFTER FINAL REJECTION  
Attorney Docket: BVL-105

**Amendments to the Claims:**

This listing of claims will replace all prior listings of claims in the application. Please cancel withdrawn Claims 53, 55, 98, 100, 104-107, 113, and 115, without prejudice or disclaimer, and amend Claims 21, 99, and 101-103 as follows:

**Listing of Claims:**

1-20. (Canceled)

21. (Currently Amended) An encapsulated product comprising a substantially homogeneous mixture of:

at least one plasticized matrix material comprising a durum ingredient, wherein the amount of said at least one plasticized matrix material is at least about 30 % by weight, based upon the weight of the encapsulated product;

about 1% by weight to about 85 % by weight of an encapsulant, based upon the weight of the matrix material, wherein the encapsulant is at least substantially uniformly distributed in said at least one plasticized matrix material, said encapsulant being at least one component selected from the group consisting of a pharmaceutical component, nutraceutical component, nutritional component, fragrance component, and biologically active component; and

a hydrophobic agent for controlling the rate of release of the encapsulant, the amount of hydrophobic agent being about 5% to about 70% by weight, based upon the weight of the at least one plasticizable matrix material,

wherein said encapsulated product is in substantially non-expanded, particulate form.

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22. (Previously presented) An encapsulated product as claimed in claim 21 wherein said encapsulant comprises at least one member selected from the group consisting of enzymes and live microorganisms.

23-25. (Canceled)

26. (Previously presented) An encapsulated product according to claim 21, wherein said encapsulant is at least one member selected from the group consisting of antioxidants, phytochemicals, hormones, microorganisms, prebiotics, probiotics, enzymes, formulations containing zidovudine, macromolecular polypeptides, aromatic nitro and nitroso compounds and their metabolites useful as anti-viral and anti tumor agents, HIV protease inhibitors, antibiotics, viruses, steroids, oligopeptides, dipeptides, amino acids, fragrance components, adenosine derivatives, sulfated tannins, monoclonal antibodies, and metal complexes of water-soluble texathyrin.

27-28. (Canceled)

29. (Previously presented) A food topping comprising an encapsulated product according to Claim 21 in granular form.

30-46. (Canceled)

47. (Previously presented) An encapsulated product as claimed in claim 21 wherein the encapsulated product is obtained from a formable mixture which is extruded

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through a die having multiple apertures, at a rate of extrudate per die area of less than about 5 kg/h per mm<sup>2</sup>.

48. (Previously presented) An encapsulated product as claimed in claim 47, wherein the rate of extrudate per die area is less than 3 kg/h per mm<sup>2</sup>.

49. (Previously presented) An encapsulated product as claimed in claim 48, wherein the rate of extrudate per die area is less than about 0.5 kg/h per mm<sup>2</sup>.

50. (Previously presented) An encapsulated product as claimed in claim 47, wherein the diameter of the apertures is from about 0.3 mm to about 5 mm.

51. (Previously presented) An encapsulated product as claimed in claim 47, wherein the diameter of the apertures is from about 0.5 mm to about 1 mm.

52. (Previously presented) An encapsulated product as claimed in claim 47, wherein the diameter of the apertures is from about 0.3 mm to about 5 mm.

53-65. (Canceled)

66. (Previously presented) An encapsulated product according to Claim 47 wherein said formable mixture is extruded by a single screw or twin screw extruder.

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67. (Previously presented) An encapsulated product according to Claim 47 wherein said formable mixture is obtained by admixing ingredients in an extruder and the formable mixture is extruded from the extruder to obtain pieces.

68-95. (Canceled)

96. (Previously presented) An encapsulated product according to Claim 21, wherein the hydrophobic agent is selected from the group consisting of fats, oils, waxes, fatty acids, and synthetic polymers.

97. (Previously presented) An encapsulated product according to Claim 21, wherein the hydrophobic agent comprises an oil.

98. (Canceled)

99. (Currently Amended) An encapsulated product according to Claim 21, comprising a substantially homogeneous mixture of:  
at least one plasticized matrix material comprising a durum ingredient, wherein the amount of said at least one plasticized matrix material is at least about 30 % by weight, based upon the weight of the encapsulated product;  
about 1% by weight to about 85 % by weight of an encapsulant, based upon the weight of the matrix material, wherein the encapsulant comprises live *lactobacilli* and is at least substantially uniformly distributed in said at least one plasticized matrix material;  
and  
a hydrophobic agent for controlling the rate of release of the encapsulant.

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wherein said encapsulated product is in substantially non-expanded, particulate form.

100. (Canceled)

101. (Currently Amended) An encapsulated product according to Claim 21, wherein a liquid encapsulant component comprising the encapsulant and a liquid plasticizer provides at least a substantial portion of liquid plasticizer for plasticizing at least one plasticizable matrix material ~~and the amount of hydrophobic agent is about 5% to about 70% by weight, based upon the weight of the at least one plasticizable matrix material.~~

102. (Currently Amended) An encapsulated product according to Claim ~~21~~ <sup>[[101]]</sup>, comprising about 10% to about 35% by weight of the hydrophobic agent, based upon the weight of the at least one plasticizable matrix material.

103. (Currently Amended) An encapsulated product according to Claim 21, wherein the durum ingredient is selected from the group consisting of at least one of durum semolina, durum granular, or durum flour, ~~and mixtures thereof.~~

104-107. (Canceled)

108. (Previously presented) An encapsulated product as claimed in claim 21 comprising about 3% by weight to about 50% by weight of the encapsulant, based upon the weight of the matrix material.

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109. (Previously presented) An encapsulated product as claimed in claim 21 comprising about 5% by weight to about 30% by weight of the encapsulant, based upon the weight of the matrix material.

110. (Previously presented) An encapsulated product as claimed in claim 21, wherein the amount of said at least one plasticized matrix material is from about 60% by weight to about 95% by weight, based upon the weight of the encapsulated product.

111. (Previously presented) An encapsulated product as claimed in claim 26, wherein the amount of said at least one plasticized matrix material is from about 60% by weight to about 95% by weight, based upon the weight of the encapsulated product.

112-115. (Canceled)